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C O U N C I L      C O M M U N I C A T I O N      ~

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TO:        **THE CITY COUNCIL**  
FROM:     **THE CITY MANAGERS OFFICE**

COUNCIL MEETING DATE  
**JUNE 20, 1990**

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SUBJECT:     **ADOPTION OF URGENCY MORATORIUM ORDINANCE ON SECOND RESIDENTIAL UNITS IN THE EAST SIDE REZONING AREA**

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PREPARED BY:                      City Attorney

RECOMMENDED ACTION :        Council consideration of attached urgency moratorium ordinance.

BACKGROUND INFORMATION: At the Council meeting of April 4, 1990, the City Council adopted Ordinance 1481, an urgency measure imposing a moratorium on construction of second residential ("Granny Units") on R-1 lots in the east side rezoning area. This was done because of concerns about the capacity of water, wastewater, and storm drain facilities serving this area. The action was felt necessary by staff to allow time for identifying problems and planning solutions.

The ordinance by its own terms was valid for 45 days unless extended sooner by the Council following a public hearing. That meant its expiration date was May 19, 1990 unless acted upon by the Council.


The matter was inadvertently left off the May 16, 1990 Council agenda and thus has now lapsed.

Since a lapsed ordinance cannot be extended, if the Council wants to continue the moratorium, it will be necessary to adopt a new ordinance. Under Government Code §65858(a), this ordinance would be valid for 45 days. At least 10 days before expiration, the Council must adopt a report describing measures taken to alleviate the conditions and may at that time extend the ordinance for up to 22 months and 15 days or a lesser time if it is felt appropriate. That could be done at the July 18, 1990 Council meeting.

Present estimates by Public Works and Community Development indicate that it may not be necessary to have the moratorium in place for the full period allowed by statute.

*Adoption of the* proposed ordinance would require a 4/5 vote of the Council.

Respectfully submitted,

  
BOB McNATT  
City Attorney

BM: vc

GRANNY/TXTA.G1V

ORDINANCE NO. 1490

AN UNCODIFIED URGENCY INTERIM ORDINANCE OF THE LODI CITY COUNCIL  
IMPOSING A MORATORIUM ON SECOND UNITS IN THE EAST SIDE REZONING AREA

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1.

WHEREAS, the City of Lodi on November 4, 1987 in Ordinance No. 1409 adopted the East Side Rezoning Plan, downgrading to R-1 certain property in the area described in such Ordinance; and

WHEREAS, in connection with this action, studies revealed certain deficiencies in the City's water, sewer, and storm drainage systems for this area; and

WHEREAS, under California Government Code Section 65852.2, second units ("granny units") are an allowed use in R-1 zones; and

WHEREAS, a proliferation of such second units in the East Side Rezoning Area could foreseeably tax existing water, sewer, and storm drainage systems beyond their capacities;

NOW, THEREFORE, BE IT ORDAINED by the Lodi City Council that pursuant to Government Code Section 65858(a), the Lodi City Council makes the following findings:

FINDINGS.

1. The Environmental Impact Report for the East Side Plan Alternatives adopted herein by reference, and on file in the Office of the City Clerk, was prepared by Jones and Stokes Associates for the City of Lodi in July, 1987.

2. Chapter 9, Water, of that environmental document states portions of the water system in the area are either at or over capacity and indicates that this problem can be mitigated by constructing new water wells, installation of new main transmission lines and placement of new water lines and fire hydrants to ensure adequate water and fire suppression system. (Pages 9-19 through 9-22).
3. Chapter 10, Sewerage, of that report indicates that portions of the sanitary sewer system in the East Side study area are at or over capacity and recommends that these inadequacies can be mitigated by upgrading *the* trunk and collection sewers. (Pages 10-20 through 10-22).
4. Chapter 11, Storm Drainage, indicates that portions of the area lack adequate storm drainage facilities, and further states that these facilities can be made adequate by constructing new trunk and collection facilities. (Pages 11-11 through 11-14).
5. That the aforementioned conditions constitute a current and immediate threat to the public health, safety or welfare and that approval of additional building permits would result in a threat to the public health, safety or welfare.

BE IT FURTHER ORDAINED, that the City Council hereby imposes a moratorium on construction of all second units on R-1 lots in the area designated as the East Side Rezoning Area, more particularly described

in Ordinance 1409, pending study and remediation of deficiencies in the water, sewerage, and storm drain facilities in the subject area.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency interim ordinance based on health, safety, or welfare considerations and shall be effective immediately upon its adoption.

SECTION 4. This urgency interim ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately upon its passage. This ordinance shall expire forty-five (45) days from its date of adoption, unless sooner extended by Council action following notice and hearing pursuant to Government Code Section 65050.

Approved this 20th day of June 1990

*John R. Snider*

JOHN R. SNIDER  
MAYGR

Attest:

*Jennifer M. Perrin*  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

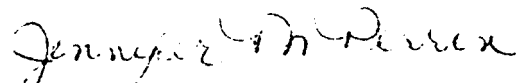
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State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1490 was adopted as an urgency interim ordinance at a regular meeting of the City Council of the City of Lodi held June 20, 1990, and was thereafter passed, adopted and ordered to print by the following vote:

Ayes:	Council Members - Hinchman, Olson, Pinkertsn, Reid and Snider (Mayor)
Noes:	Council Members - None
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1490 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
JENNIFER M. PERRIN  
Deputy City Clerk

Approved as to Form



BOBBY W. McNATT  
CITY ATTORNEY

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